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Email [REDACTED]

11 November 2025

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Dear Sarah and Ian

**34th Supplemental Agreement to the Freight Track Access Contract
between Network Rail Infrastructure Limited (Network Rail) and GB
Railfreight Limited (GBRf) dated 11 December 2016**

1. Today, we issued directions under section 22A of the Railways Act 1993 (the Act) to Network Rail and GBRf (jointly the parties) to enter into the above supplemental agreement. This letter explains the reasons for our decision.
2. ORR's approval of this application will provide GBRf the firm rights necessary to support many of its long-established flows. These directions provide GBRf certainty for the purposes of planning its business and its ability to deliver further benefits through future investment.

Background

3. On 24 April 2024, ORR wrote to industry setting out a process for access applications for December 2024, May 2025 and December 2025, given our expectation (as confirmed by Network Rail) that we would receive numerous complex and competing applications across that period. Applications were submitted to ORR for direction as "unsupported" applications, as Network Rail was not able to agree that there was sufficient capacity and therefore submit agreed applications for our approval.
4. [DfT wrote to us](#) on 20 June 2025 referring to "the cumulative scale and impacts of abstraction when [ORR] assesses Open Access applications" and asking ORR that this should be "factored into all future decision-making". To ensure that we were able to

proceed with decision making for relevant public service operators in light of this, we had to clarify the DfT letter before finalising our decisions.

5. As we were already at an advanced stage in the decision-making process for this and many other applications by this point, [we wrote to DfT](#) stating that we intended to proceed with our established approach to access applications for the East Coast Main Line (ECML) in order to support the major timetable change coming up in December 2025 and to avoid risk to that timetable's implementation. As we did not receive a response by Monday 7 July we have proceeded with decision making in line with our published policy.

Application

6. The purpose of the 34th supplemental is to provide GBRf with the firm rights necessary to support many of its long-established flows.

7. The original application was for 488 new Firm Rights:

- 444 of these are new Firm Access Rights with 1-hour windows to commence on approval until the end of GBRf's access contract. These trains are currently running under Contingent Rights, originally for the December 2024 timetable as a General Approval in the 43rd SA and now dated until the end date of the May 2025 timetable in the GB Railfreight 44th SA General Approval in line with the Interim Approach taken by Network Rail.
- A further 44 new Firm Access Rights with 1-hour windows. These were aspirational and not in the Working Timetable at the point the application was submitted.

Industry consultation

8. The initial industry consultation took place from 28 May to 28 June 2024. Industry was then invited to comment on Network Rail's final representations on the applications in October 2025.

9. Comments in support or stating no objection were received from Transport Focus and West Yorkshire Combined Authority. Colas, CrossCountry, Freightliner, Grand Central and West Midlands Trains all stated that they did not yet have enough information about other potential applications in the area and Network Rail's plans to accommodate them to be able to offer its support, nor about the final details of the ECML ESG timetable.

10. In the opportunity to comment, we received the following further comments:

- **AWC** – sought confirmation that its Liverpool services would not be impacted by the power supply requirements of these services. NR confirmed that the only two WCML trains that NR were supportive of use electric traction are 5Q27 and 5Q28, and that as these are existing trains in the current timetable and are included from December 2025, no Avanti services need to be removed as these are already accommodated.

- **GTS** – Requested information on services “that are likely to interact with the Elizabeth line (Shenfield to Reading) along with details of the performance modelling or analysis associated with each train please”. Network Rail provided information to GTS on schedules which touched either Western or Anglia routes and thus could interact with GTS services. GTS responded noting that because of the scale of the application and timing it could not undertake meaningful analysis on the impact of the proposals. GTS advised that it “will reluctantly support this application for one timetable period, subject to Network Rail providing comprehensive performance analysis of these trains and that GTS will not be allocated any delay minutes related to interactions with these services.” Network Rail’s performance assessment of this application has already been set out in its final representations, and the application was shared with industry, including GTS, over 18 months ago. GTS has access to the same requisite industry systems as other operators use to review the potential impacts of services. At this stage, we advised Network Rail that we did not view that it needed to provide any further information on performance impacts to us, or GTS, for us to proceed to a decision on this application.
- **LNER** – which was primarily concerned with capacity around Peterborough regarding Headcode 6L99 which failed performance criteria with Right Time Departures at 63.7% as stated in Network Rail’s response. It has been indicated that this can be supported with 4L11 and 4L13 being retimed from December 2025 to alleviate these performance concerns. LNER would like routing constraints to be considered when platforms at Peterborough Station are occupied and if there are any interactions that impact LNER passenger services. Network Rail noted this response but that it had no further comment to make beyond what it had already included in its Final Representations.

Statutory Consultation

11. As required under the Act, on 30 May 2024, we sought Network Rail’s representations on the applications, and it replied on 28 June 2024. We forwarded these representations to GBRf and asked for its comments. GBRf provided comments on 22 July 2024.

12. Following the completion of Network Rail’s capacity analysis on the ECML and the other interacting locations associated with this application, it sent its final representations on 2 October 2025. Again, we forwarded these to GBRf and it provided its final comments on 15 October 2025.

Network Rail’s representations

13. In its final representations, Network Rail stated partial support for this application.

14. Network Rail supports firm rights with one-hour arrival/departure windows where the services have been accommodated in the December 2025 timetable.

15. Network Rail does not support some of the requested amendments and new rights as:

- Some of the new Firm Rights sought are associated with paths that are no longer in the Working Timetable either because the path has been removed through the CMRG process, an access proposal or the path has not been offered at D-26 in the December 2025 Working Timetable.
- Some of the new Firm Rights can only be partially supported as the associated path in the December 2025 Working Timetable does not have the same characteristics as requested for the right, usually for timing load amendments.
- Some of the new Rights sought do not have an associated path in the December 2025 Working Timetable nor were included in an access proposal for the December 2025 Working Timetable.
- Some of the new Rights sought were found to already be in the existing GBRf Track Access Contract Rights Table. As such, given there was no change, these are not supported to avoid duplication of Access Rights. It is also worth noting that some of the Rights in this application are also duplicated in the GBRf 25th Supplemental Agreement so it was not supportive of any duplications in this application.
- Network Rail has performance concerns for the train paths associated to two Rights and is not supportive of these Rights. Following further consultation with GBRf, it has informed Network Rail it wishes to withdraw one of these Rights.
- Thirteen Rights are supported as Contingent and dated to expire after one year from the December 2025 timetable change date.

16. Following further discussions between the parties, GBRf responded on 15 October 2025 confirming that it had reached agreement with Network Rail on all rights bar those requested as growth paths. On these rights, GBRf stated that it believes ORR should approve firm rights as these are paths requested for future freight growth.

ORR review

17. We carried out a full review of the application, taking into account issues that were being considered in relation both to this application and to the competing demands on capacity on the wider network.

18. Since 2019, Network Rail has offered operators only contingent or time-limited rights, providing limited certainty for businesses. The ECML ESG was set up to transparently develop a timetable which considered the service specifications and aspirations of timetable participants for implementation. This process was cross-industry, involving public service, freight and open access operators.

19. For these reasons, in reaching our decision we have placed weight on reducing or ending the uncertainty of this period, in line with our duty of enabling operators to plan their businesses with a reasonable degree of assurance.

20. As referred to in the Network Rail representations, in late 2024, the Secretary of State and Department for Transport (DfT) accepted the recommendation to start the timetable in December 2025. This follows investment by the DfT in rolling stock and infrastructure to enable faster and more frequent services on the ECML. We consider directing the rights in this application supports our duty to have regard to guidance from the Secretary of State in terms of the value for money from public investment as well as the funds available to the Secretary of State.

21. Network Rail expects that implementing the ECML ESG timetable will lead to a limited reduction in train service punctuality. Network Rail is assuring us of the operational and timetable alterations it is leading with industry, to mitigate this reduction. It expects to be able to identify and implement further improvements following the introduction of the timetable.

22. In weighing all of our duties, reviewing the capacity and performance on the ECML and wider network, we consider directing rights which can be used to implement a longer-term baseline timetable, in this case the ECML ESG, is preferable to the alternative. Furthermore, we will continue to hold Network Rail to account to ensure the proposed timetable delivers the expected benefits to passengers, funders and freight operators.

23. For those services that have been accepted yet have outstanding performance concerns NR has provided clear justifications, including identifying issues and reasonable mitigation measures. Where services are not supported, NR has outlined clear and valid reasons for this position.

24. Regarding rights requested by GBRf for future freight growth, we agreed with Network Rail that we should not, at this time, approve rights which have not been bid for or accommodated as paths in the December 2025 timetable. The parties can work together to review these aspirations once the December 2025 timetable has had the opportunity to become established.

25. Overall we concurred with Network Rail's assessment regarding capacity and performance.

Our duties under section 4 of the Act and our decision

26. We have considered this supplemental agreement, and we have concluded that its approval is consistent with the discharge of our statutory duties under section 4 duties of the Act: in particular, those relating to:

- enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g))
- promoting improvements in railway service performance (section 4(1)(zb))
- protecting the interests of users of railway services (section 4(1)(a))
- promoting the use of the railway network for the carriage of passengers and goods (section 4(1)(b)); and

- having regard to the funds available to the Secretary of State (section 4(5)(c)).

27. We have looked very closely at all the evidence submitted from the parties and consultees. We have concluded that we should approve the application in line with the rights Network Rail supported in its final representations.

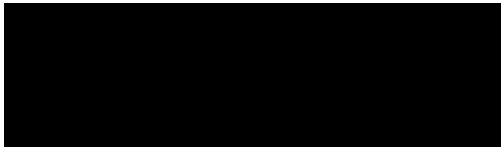
Conformed copy of the track access contract

28. Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the operator. ORR's copy should be sent for my attention.

Public register and administration

29. Electronic copies of the directions notice and the supplemental agreement will be placed on ORR's public register (website) and copies of this letter and the supplemental agreement will be placed on the ORR website.

Yours sincerely

A large black rectangular box redacting the signature of David Reed.

David Reed